

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 196 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHCHANDRA JAGANNATHBHAI THAKER

Versus

STATE OF GUJARAT

Appearance:

MR JAYANT PATEL for Petitioners
Mr.S.N.Shelat, Addl.AG with
Mr.A.D.Oza, GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 4, 6

CORAM : MR.JUSTICE M.S.SHAH

Date of decision:20/10/2000

C.A.V. JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioners have challenged the Government notification dated 31.12.1999 abolishing Rampura taluka in Ahmedabad Rural District.

2. Petitioner No.1 is the Vice President of Viramgam

Taluka Panchayat which was originally Rampura taluka panchayat. Petitioner No.3 is the ex Sarpanch of Rampura Panchayat. Petitioner No.2 is the resident of Rampura.

3. As far as the contentions based on the provisions of the Gujarat Panchayats Act and the Bombay Land Revenue Code and principles of natural justice are concerned, the same are required to be negatived in view of the decision rendered by this Court today in Special Civil Application No.10459/99. Hence, the contentions are not enumerated or dealt with in detail.

4. Mr.Jayant Patel, Ld.counsel for the petitioners has submitted on the factual aspects as under:

(i) The impugned decision has been taken solely on the basis of the opinion of the MLA of the area and the MP. Before the notification could be implemented this Court granted interim relief on 5.1.2000 and the Government was also instructed not to make any change.

(ii) The impugned notification is also malafide as the Cabinet Sub Committee known as Review Committee constituted for the purpose of reconstitution of talukas and districts did not recommend for abolition of Rampura taluka.

(iii) The impugned decision is also malafide because the majority of the villagers in the Rampura taluka did not support the sitting MLA and MP.

5. On factual aspect it is submitted by Mr.Shelat, Ld.Addl.A.G with Mr.A.D.Oza, Ld.Govt.Pleader that the Cabinet Sub Committee considered the report dated 14.5.98 which pointed out that looking to the number of villages and population in Rampura taluka, there was no justification for a separate Rampura Taluka and in the larger interest the talukas were required to be merged into one taluka and some villages were required to be placed in Viramgam or Mandal taluka. It is further submitted that Detroj taluka and Rampura Taluka did not satisfy the norms for independent taluka as regards population and number of villages and therefore the decision to abolish Rampura taluka is fully justified.

6. Prior to 15.10.1997, 70 villages in question in Ahmedabad District were part of Viramgam taluka which comprised of 159 villages. When the reconstitution of districts and talukas took place with effect from 15.10.1997 Viramgam taluka was trifurcated into three talukas, viz., Viramgam, Mandal and Rampura. However, by

Govt notification dated 31.12.1997 instead of three talukas four talukas were constituted. By the impugned notification these talukas have again been reconstituted. Thus, Detroj and Mandal have been merged into one taluka with only 55 villages.

7. Having heard the learned counsel for the parties and having regard to the facts in respect of the number of villages in different talukas the decision to abolish Rampura Taluka can not be said to be arbitrary or malafide. The following chart showing the distribution of 159 villages in the concerned talukas at different times clearly justifies the Government decision to have only taluka instead of having two separate talukas of Detroj and Rampura.

Before 15.10.97	By notification dtd.15.10.97	By notification dtd.31.12.97	By notification dtd.31.12.99
Viramgam (159 villages)	Viramgam 40 Mandal 49 Rampura 70 Rampura 33	Viramgam 40 Mandal 49 Detroj 37 Rampura 55	Viramgam 67 Mandal 37 Detroj-

8. In view of the aforesaid discussion, the petition is dismissed. Rule is discharged. There shall be no order as to costs.

20.10.2000 (M.S.SHAH,J)